

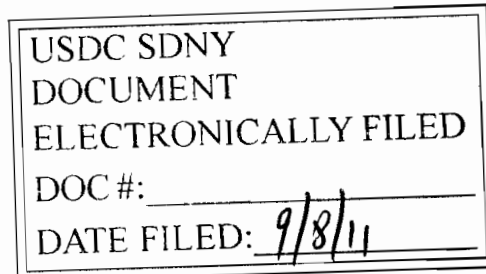
ITKOWITZ & HARWOOD

305 BROADWAY
7TH FLOOR
NEW YORK, NEW YORK 10007
(212) 822-1400
www.itkowitz.com

THE NATIONAL NEWARK BUILDING
744 BROAD STREET, 16TH FLOOR
NEWARK, NEW JERSEY 07102

Jay B. Itkowitz
Donald A. Harwood Esq. P.C.*
Michelle Maratto

*Also Admitted in Mass.



CAPITAL DISTRICT
28 PARK ROW
CHATHAM, NEW YORK 12060

Writer's Direct Contact Information:
Jay B. Itkowitz Ext. 1801
Desktop Fax: (212) 822-1402
jitkowitz@itkowitz.com

September 7, 2011

BY FACSIMILE

FACSIMILE NUMBER: (212) 805-7986

Hon. Judge Paul G. Gardephe
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

The Application is granted.

SO ORDERED:


Paul G. Gardephe, U.S.D.J.

Dated: Sept 7, 2011

Re: *D&D Building Co. LLC v. Wynfield House, Ltd. d/b/a Pierce Martin,*
U.S.D.C. Docket No. 10-cv-5105
Our File No. 11509

Dear Judge Gardephe:

Since last conferencing with this Court, Plaintiff, D&D Building Co. LLC, and Defendant, Wynfield House, Ltd. d/b/a Pierce Martin, have diligently attempted to settle the above-referenced matter. The parties feel that they are close to settling and the chance of settling is very high.

The next Court conference is scheduled for October 26, 2011. The conference was previously scheduled for September 6, 2011, with fact discovery to be completed by September 1, 2011. Two weeks ago, when the possibility of settlement became very high, we conferenced with Clerk Abraham Cho. After informing him that the chance of settling was high, he said that the parties could have an extension on fact discovery in light of the Court's adjournment provided that the parties submit a letter by today's date to the Court to update it as to the parties' settlement progress. The parties feel that settlement is close and ask that the court extend the deadline to conduct fact discovery to October 21, 2011 to avoid unnecessary litigation expense. The October 21, 2011 deadline will ensure that fact discovery, if necessary, is

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concluded before the next conference with the Court. Document discovery is already complete and the only discovery that remains is two or three depositions.

Thank you for your consideration of this matter.

Very truly yours,

Jay B. Itkowitz (JBI-5349)
Counsel for Plaintiff

cc: Richard E. Berman (REB-2715), Counsel for Defendant

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